

IH-32

Rev: 2014-1

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

Chun Peter Dong, individually and
derivatively on behalf of 45 John Lofts LLC,

Plaintiff

Case Number

vs.

15 CV 01699

Chaim Miller a/k/a Harry Miller, Sam Sprei,
HS 45 John LLC, Quick Title Search LLC
and Abraham Teitelbaum,

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Tu Kang Yang and Wing Fung Chau,

Plaintiff

Case Number

vs.

15 CV 01696 (NRB)

45 John Lofts LLC, Harry Miller, Sam
Sprei, and HS 45 John LLC,

Defendant

IH-32

Rev: 2014-1

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

The case was removed from the Supreme Court of New York, New York County on March 6, 2015 by HS 45 John LLC (the "Debtor") pursuant to 28 U.S.C. 1334, 1446, and 1452, and Bankruptcy Rule 9027 for automatic reference to the United States Bankruptcy Court for the Southern District of New York. The Debtor filed its Chapter 11 bankruptcy petition in the Southern District of New York on February 20, 2015.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

At the time of the Chapter 11 filing, the Debtor was in contract to purchase the property located at 45 John Street, New York, New York (the "Contract") from defendant 45 John Lofts LLC ("Seller"). The Debtor and Seller have been named as defendants in both lawsuits listed above in which contradicting and competing claims concerning the Contract and resulting sale proceeds have been asserted.

To bring all parties together under the umbrella of a single forum, the Debtor filed an adversary proceeding in the Bankruptcy Court on February 27, 2015 which seeks, among other things, an order of specific performance and a declaratory judgment that the Contract is a valid and enforceable agreement, was properly executed and authorized, and should be enforced pursuant to its terms. The plaintiffs have been named as defendants in the adversary proceeding because the Debtor is seeking a complete resolution of all issues relating to the Contract in a single forum. The Debtor has removed both of the lawsuits listed above simultaneously to this Court and ultimately intends to seek the consolidation of these lawsuits with the adversary proceeding.

In sum, at the District Court level, both lawsuits involve the same Contract and the same core group of defendants. Thus, we believe the two cases are related.

Signature: _____

Date: March 16, 2015

Goldberg Weprin Finkel Goldstein LLP

Firm: _____